

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:07CR106-P-B

MARSHALL RAY LATIKER,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's second Motion for Continuance [11].

After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for October 1, 2007. Defense counsel requests a continuance because "Mr. Latiker is not ready for trial in this matter as the defendant's counsel is not ready for trial and will be in previously scheduled criminal trial and the attorney and the government are still involved in plea negotiations in this matter." The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from October 1, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for her client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's second Motion for Continuance [11] is **GRANTED**;

(2) Trial of this matter is continued until Tuesday, November 13, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from October 1, 2007 to November 13, 2007 is excluded from Speedy Trial

Act considerations as set out above;

(4) The deadline for filing pretrial motions is October 23, 2007; and

(5) The deadline for submitting a plea agreement is October 30, 2007.

SO ORDERED this the 17th day of September, A.D., 2007.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE